

Return Date:, January 30th, 2018
Time: 1:30 P.M.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 17-30001 CGM

LAURIE YODICE,

NOTICE OF MOTION

Debtor(s)

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PLEASE TAKE NOTICE, that upon the annexed application of Jeffrey L. Sapir the Chapter 13 Trustee herein, a motion will be made before the Hon. Cecelia G. Morris, United States Bankruptcy Judge, at the United States Courthouse, located at 355 Main Street, Poughkeepsie, New York, on the 30th day of January, 2018, at 1:30 P.M. for an order dismissing the Chapter 13 case pursuant to 11 U.S.C. §1307(c)(1), (c)(4) and (c)(9) and §521(e)(2)(A)(i) and(2)(B) on the ground that there has been unreasonable delay by the debtor that is prejudicial to creditors, in that the debtor has failed to provide *seven (7) days prior to the §341(a) meeting of creditors* copies of federal and state tax returns for the most recent years preceding the commencement of the bankruptcy proceeding; and failed to remit timely plan payments; and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, are to be served on the undersigned and filed with the Court no later than three (3) days prior to the return date of this motion, and (a) must comply with the Bankruptcy Court's electronic filing system in

accordance with General Order M-242 and Supplemental General Order M-269.

Dated: White Plains, New York
September 29th, 2017

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir, Esq. (JLS 0938)
Chapter 13 Trustee
399 Knollwood Road
White Plains, New York 10603
Chapter 13 Tel. No. 914-328-6333

TO: United States Trustee
74 Chapel Street
Albany, New York 12207

Laurie Yodice
657 Route 301
Cold Spring, New York 1-156

Devon Salts, Esq.
1542 Route 52
Fishkill, New York 12524

Wells Fargo Bank. NA
Home Equity Group
One Home Campus X2303-01A
Des Moines, Iowa 50328

Federal National Mortgage Association
c/o Seterus, Inc.
P.O. Box 1047
Hartford, Connecticut 06143

Wells Fargo Bank. NA
c/o Woods Oviatt Gilman LLP
700 Crossroads Bldg.
2 State Street
Rochester, New York 14614

Federal National Mortgage Association
c/o Rosicki, Rosicki & Associates, PC
51 East Bethpage Road
Plainview New York 11803

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 17-30001 CGM

LAURIE YODICE,

APPLICATION

Debtor(s)

----- -x

TO THE HON. CECILIA G. MORRIS, BANKRUPTCY JUDGE:

1. The debtor filed the instant voluntary Chapter 13 proceeding on March 23rd, 2017.
2. A hearing on confirmation was held on September 19th, 2017.
3. The debtor failed to comply with the provisions of 11 U.S.C. §1307(c)(1) and (c)(4).
4. The debtor is in violation of §521(e)(2)(A)(i) of the Bankruptcy Code which requires the debtor to provide *seven (7) days prior to the §341(a) meeting of creditors*, copies of federal and state tax returns for the most recent years preceding the commencement of the case, to wit, 2016.
5. The debtor has failed to remit timely plan payments to the trustee, having remitted four payments, and being, at this juncture, two month(s) in arrears.
6. The debtor's plan is not feasible in that the debtor is unable to remit monthly payments as required under 11 U.S.C. §1325(a)(6) and §1326(a)(1).
7. The debtor failed to provide the trustee with certain of the required documentation, to wit, a real estate appraisal and a third-party affidavit of contribution.
8. The delay created by the debtor is prejudicial to creditors.
9. The debtor, having failed to comply with the abovementioned sections of the

Bankruptcy Code, this Chapter 13 case should be dismissed pursuant to 11 U.S.C §1307 (c)(1), (c)(4), (c)(9) and §521(e)(2)(A)(i) and (2)(B); and for such other and further relief as this Court may deem just and proper.

Dated: White Plains, New York
September 29th, 2017

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 17-30001 CGM

LAURIE YODICE,

Debtor(s)

-----X

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Lois Rosemarie Esposito, being duly sworn, deposes and says:

I am not a party to the action herein, I am over the age of 18 years and reside in
the County of Westchester, State of New York.

On September 29th, 2017 I served a true copy of the within document, to the
herein listed parties at the address(es) designated for that purpose, by mailing same in a properly
sealed envelope with postage prepaid thereon, in an official depository of the United States
Postal Service within the State of New York to the following:

TO:: United States Trustee
74 Chapel Street
Albany, New York 12207

Laurie Yodice
657 Route 301
Cold Spring, New York 1-156

Devon Salts, Esq.
1542 Route 52
Fishkill, New York 12524

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700 Crossroads Bldg.
2 State Street
Rochester, New York 14614

Federal National Mortgage Association
c/o Rosicki, Rosicki & Associates, PC
51 East Bethpage Road
Plainview New York 11803

/s/ Lois Rosemarie Esposito
Lois Rosemarie Esposito

Sworn to before me this
29th day of September, 2017

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir
Notary Public, State of New York
No.02SA8764500
Qualified in Rockland County
Term Expires: 12/31/18